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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                           |  |
|---------------------------|--|
| Proceeding                | 91199752   |
| Party                     | Plaintiff<br>Evonik Degussa GmbH   |
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| Submission                | Motion to Suspend for Settlement Discussions   |
| Filer's Name              | Elizabeth G. Borland   |
| Filer's e-mail            | egborland@sgrlaw.com   |
| Signature                 | /Elizabeth G. Borland/   |
| Date                      | 06/12/2013   |
| Attachments               | 032301691OPPMotiontoSuspend.pdf(194769 bytes )   |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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|                     |   |                                      |
|---------------------|---|--------------------------------------|
| Evonik Degussa GmbH | ) |                                      |
|                     | ) |                                      |
| Opposer,            | ) |                                      |
|                     | ) |                                      |
| v.                  | ) | Consolidated Opposition No. 91199752 |
|                     | ) |                                      |
| Afgriotech Ltd.     | ) |                                      |
|                     | ) |                                      |
| Applicant.          | ) |                                      |

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**OPPOSER’S MOTION (WITH CONSENT) TO SUSPEND PROCEEDINGS  
PENDING SETTLEMENT NEGOTIATIONS**

Pursuant to FRCP 6(b), 37 C.F.R. §§ 2.116(a) and 2.117(c), and TMBP § 510.3(a), and for good cause shown, Opposer Evonik Degussa GmbH moves for an order suspending all proceedings and extending all outstanding deadlines in the above-stylized action by thirty (30) days. Applicant Afgriotech Ltd. and Registrant Carrs Agriculture Limited have consented to this Motion through their counsel, Cheryl Burbach.

“Proceedings may be suspended for good cause upon motion or upon stipulation of the parties approved by the Board.” TBMP § 510.03(a). “Proceedings may be suspended, upon motion or stipulation under 37 C.F.R. § 2.117(c), for purposes of settlement negotiations, subject to the right of either party to request resumption at any time.” *Id.*

Good cause for the instant motion exists because the parties are actively engaged in settlement negotiations. A thirty (30) day suspension will allow the parties to continue negotiating in good faith without incurring additional legal expenses in this proceeding.

The parties therefore request that the proceedings be suspended and that all outstanding deadlines be extended as follows:

| <b><u>Event</u></b>  | <b><u>Original Date</u></b> | <b><u>Extended Date</u></b> |
|--|-----------------------------|-----------------------------|
| Evonik's 30-day testimony period as plaintiff in Opposition No. 91199752 to close  | <b>June 13, 2013</b>        | <b>July 13, 2013</b>        |
| Afgritech's pretrial disclosures due   | <b>June 28, 2013</b>        | <b>July 28, 2013</b>        |
| Afgritech's 30-day testimony period as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 to open            | <b>July 12, 2013</b>        | <b>August 11, 2013</b>      |
| Afgritech's 30-day testimony period as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 to close           | <b>August 11, 2013</b>      | <b>September 10, 2013</b>   |
| Evonik's pretrial disclosures for rebuttal in Opposition No. 91199752 and as defendant in Opposition No. 91200334 due                      | <b>August 26, 2013</b>      | <b>September 25, 2013</b>   |
| Evonik's 30-day testimony period as defendant in Opposition No. 91200334 and for rebuttal as plaintiff in Opposition No. 91199752 to open  | <b>September 10, 2013</b>   | <b>October 10, 2013</b>     |
| Evonik's 30-day testimony period as defendant in Opposition No. 91200334 and for rebuttal as plaintiff in Opposition No. 91199752 to close | <b>October 10, 2013</b>     | <b>November 9, 2013</b>     |

|   |                          |                          |
|---|--------------------------|--------------------------|
| Afgritech's rebuttal disclosures as plaintiff in Opposition No. 91200334 due  | <b>October 25, 2013</b>  | <b>November 24, 2013</b> |
| Afgritech's 15-day rebutal testimony period as plaintiff in Opposition No. 91200334 to open                                   | <b>November 9, 2013</b>  | <b>December 9, 2013</b>  |
| Afgritech's 15-day rebutal testimony period as plaintiff in Opposition No. 91200334 to close                                  | <b>November 24, 2013</b> | <b>December 24, 2013</b> |
| Brief for Evonik as plaintiff in Opposition No. 91199752 due  | <b>January 23, 2014</b>  | <b>February 22, 2014</b> |
| Brief for Afgritech as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 due                   | <b>February 22, 2014</b> | <b>March 24, 2014</b>    |
| Brief for Evonik as defendant in Opposition No. 91200334 and reply brief, if any, as plaintiff in Opposition No. 91199752 due | <b>March 24, 2014</b>    | <b>April 23, 2014</b>    |
| Reply brief, if any, for Afgritech as plaintiff in Opposition No. 91200334 due  | <b>April 8, 2014</b>     | <b>May 8, 2014</b>       |

#### Conclusion

Accordingly, the parties respectfully request that the Board suspend these proceedings and extend the deadlines as set forth above.

Dated: June 12, 2013

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/s/ Elizabeth G. Borland

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Attorneys for Opposer Evonik Degussa GmbH

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was deposited with the United States Postal Service as first class mail, postage prepaid, on this 12<sup>th</sup> day of June, 2013, to:

Thomas H. Van Hoozer  
Cheryl Burbach  
Hovey Williams LLP  
10801 Mastin Blvd. Suite 1000  
Overland Park, KS 66210

Pursuant to C.F.R. § 2.119(b)(6) and the July 21, 2011 letter between counsel, a courtesy copy was also sent by email.

This 12<sup>th</sup> day of June, 2013.

s/ Elizabeth G. Borland  
Elizabeth G. Borland